

**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
ANNETTE MARTIN *et al.*

Serial No.: 10/520,153

Filed: September 29, 2005

For: CHIMERIC GB VIRUS B (GBV-B)

Group Art Unit: 1648

Examiner: Chen, Stacy Brown

Atty. Dkt. No.: UTSG:272US

CERTIFICATE OF ELECTRONIC SUBMISSION

DATE OF SUBMISSION: November 6, 2006

**REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

A corrected filing receipt is requested in view of the errors that appear in the original. For the convenience of the Patent and Trademark Office, attached is a photocopy of the original receipt on which the errors have been noted.

There is an error in the Domestic Priority data. Please delete "This application is a 371 of PCT/US03/21002 07/02/2003" and add --**This application is a 371 of PCT/US2003/021002 filed July 2, 2003, which is a continuation-in-part of U.S. patent application Serial Number 10/189,359 filed on July 3, 2002--**. There also is an error in the Foreign Application data. Please delete "UNITED STATES OF AMERICA 10-189359 07/03/2002." In support of these

requested corrections, Applicants attach a copy of the Preliminary Amendment filed January 3, 2005.

No fee is believed to be due in connection with the filing of this document. However, should any fee under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to this document, the Commissioner is authorized to deduct the appropriate fee from Fulbright & Jaworski Deposit Account No.: 50-1212/UTSG:272US.

Please date stamp and return the enclosed postcard evidencing receipt of these materials.

Respectfully submitted,



Charles P. Landrum  
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Date: November 6, 2006



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/520,153	09/29/2005	1641	815	UTSG:272US	12	30	3

CONFIRMATION NO. 7019

32425  
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## FILING RECEIPT



\*OC000000018488495\*

Date Mailed: 04/11/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

## Applicant(s)

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**Power of Attorney:** The patent practitioners associated with Customer Number 32425.

**Domestic Priority data as claimed by applicant** *This application is a 371 of PCT/US2003/021002*  
~~This application is a 371 of PCT/US03/21002 07/02/2003~~ *filed July 2, 2003, which is a*  
~~continuation-in-part of U.S. patent application Serial Number 10/189,359~~ *filed on July 3, 2002.*

Foreign Applications

~~UNITED STATES OF AMERICA 10-189359 07/03/2002~~

**Projected Publication Date:** 07/20/2006

**Non-Publication Request:** No

**Early Publication Request:** No

**Title**

Chimeric gb virus b (gbv-b)

**Preliminary Class**

435

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**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Annette Martin *et al.*

Serial No.: To be assigned

Filed: Concurrently Herewith

For: CHIMERIC GB VIRUS B (GBV-B)

Group Art Unit: Unknown

Examiner: Unknown

Atty. Dkt. No.: UTSG:272US

**EXPRESS MAIL MAILING LABEL**

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**PRELIMINARY AMENDMENT**

**MAIL STOP PCT**

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully submit this Preliminary Amendment in the above-referenced case. Consideration of this case in view of the amendments made herein is respectfully requested.

**Amendments to the Specification** begin on page 2 of the paper.

**Amendments to the Claims** begin on page 3 of the paper.

**Remarks** begin on page 6 of this paper.

## AMENDMENT

### In the Specification:

Please replace the paragraph at page 1, line 7, with the following substitute paragraph:

The present application is a national phase application under 35 U.S.C. § 371 of International Application No. PCT/US2003/021002 filed July 2, 2003, which is a continuation-in-part of ~~claims priority to~~ U.S. Patent Application Serial Number 10/189,359 filed on July 3, 2002. The entire text of the above-referenced disclosures is herein incorporated by reference.

**In the Claims:**

Please amend the claims as shown in the following listing of claims, which will replace all prior versions and listings of claims in the application.

1. (Original) An isolated polynucleotide comprising a chimeric GBV-B polynucleotide encoding a virus.
2. (Original) The polynucleotide of claim 1, comprising a chimeric GBV-B genome, wherein at least part, but not all of a 5' NTR sequence is from a HCV 5' NTR.
3. (Original) The polynucleotide of claim 2, wherein at least one, but not all of domain I, II, III, or IV of the 5' NTR is from a HCV 5' NTR.
4. (Original) The polynucleotide of claim 2, wherein domain I of the 5' NTR is from a HCV 5'NTR.
5. (Original) The polynucleotide of claim 2, wherein domain II of the 5' NTR is from a HCV 5'NTR.
6. (Original) The polynucleotide of claim 2, wherein domain III of the 5' NTR is from a HCV 5'NTR.
7. (Original) The polynucleotide of claim 6, wherein the 5' NTR domain Ib of GBV-B is deleted.
8. (Original) The polynucleotide of claim 2, wherein domain IV of the 5' NTR is from a HCV 5'NTR.
9. (Original) The polynucleotide of claim 2, wherein domain I and domain II of the 5' NTR is from a HCV 5'NTR.
10. (Original) The polynucleotide of claim 2, wherein domain I and domain III of the 5' NTR is from a HCV 5'NTR.
11. (Original) The polynucleotide of claim 2, wherein domain I and domain IV of the 5' NTR is from a HCV 5'NTR.



12. (Original) The polynucleotide of claim 2, wherein domain II and domain III of the 5' NTR is from a HCV 5'NTR.
13. (Original) The polynucleotide of claim 2, wherein domain II and domain IV of the 5' NTR is from a HCV 5'NTR.
14. (Original) The polynucleotide of claim 2, wherein domain III and domain IV of the 5' NTR is from a HCV 5'NTR.
15. (Original) The polynucleotide of claim 2, wherein domain II, domain III and domain IV of the 5' NTR is from a HCV 5'NTR.
16. (Original) The polynucleotide of claim 15, wherein the 5' NTR domain Ib of GBV-B is deleted.
17. (Original) The polynucleotide of claim 2, wherein said polynucleotide is DNA.
18. (Original) The polynucleotide of claim 2, wherein said polynucleotide is RNA.
19. (Original) The polynucleotide of claim 1, further comprising at least part of a structural protein coding region of HCV.
20. (Original) The polynucleotide of claim 1, further comprising at least part of a non-structural protein coding region of HCV.
21. (Original) A viral expression construct comprising a chimeric GBV-B polynucleotide, wherein at least a part of the 5' NTR sequence is from a HCV 5' NTR.
22. (Original) The viral expression construct of claim 21, wherein domain III of the 5' NTR is from a HCV 5' NTR.
23. (Original) The viral expression construct of claim 21, further comprising a deletion of the GBV-B 5' NTR domain Ib region.
24. (Original) The viral expression construct of claim 21, wherein said construct is a plasmid.

25. (Original) The viral expression construct of claim 21, wherein said construct is a virus.
26. (Original) The viral expression construct of claim 21, further defined as a construct for the expression of a chimeric GBV-B/HCV virus.
27. (Original) A method for identifying a compound active against a viral infection comprising:  
providing a virus expressed from a viral construct comprising a chimeric GBV-B/HCV virus;  
contacting the virus with a candidate substance; and  
comparing infectivity of the virus in the presence of the candidate substance with the infectivity of the virus in the absence of the candidate substance.
28. (Original) The method of claim 27, wherein the chimeric virus comprises at least part of a 5' NTR sequence from a HCV 5' NTR.
29. (Original) The method of claim 28, wherein the chimeric virus comprises domain III of the 5' NTR is from a HCV 5'NTR.
30. (Original) The method of claim 28, wherein the chimeric virus comprises a deletion of domain Ib of GBV-B.
- 31.-58. (Canceled)

**REMARKS**

The specification has been amended to recite the priority data and to cancel claims 31-58 of the PCT application. Therefore, claims 1-30 are presently pending. The filing fee has been calculated after amendment of the claims by the preliminary amendment.

Should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required, the Commissioner is hereby authorized to deduct said fees from Fulbright & Jaworski Deposit Account No. 50-1212/UTSG:272US.

Respectfully submitted,



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